

# PRACTICE NOTE: FENCES IN THE RESIDENTIAL 2 ZONE WAIKATO DISTRICT PLAN (FRANKLIN SECTION)

VERSION 1 – 20/01/2017



[www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)  
0800 492 452  
[info@waide.govt.nz](mailto:info@waide.govt.nz)  
/WaikatoDistrictCouncil



## DOES THIS AFFECT ME?

This Practice Note is relevant to anyone in the Residential 2 Zone in Pokeno who is proposing to build a fence on their boundary with a road or reserve, or in their side or rear yard adjoining a reserve or pedestrian access way.

## WHAT DOES IT MEAN FOR ME?

Depending on where you're putting a fence, there may be limits on whether it can be close-boarded and how high it can be.

### 1. Background

There are some quite specific Development Standards for activities in the Residential 2 zone in Pokeno. Fences in particular have certain rules applying to them depending on where they are on a property. This short interpretation note helps explain the rules.

### 2. Rules

Within the yard rules for the Residential 2 zone, there are two conditions that relate to fencing:

#### 27A.5.5 yards

##### 1. Front yard and road and reserve interface

(c) Fences on a road or reserve boundary, or between the road boundary and the closest building on the site, shall not exceed 1.2 metres in height and shall not be close-boarded or of similar solid construction.

##### 2. Side and rear yards

(d) Fences on side or rear yard adjoining a reserve or pedestrian accessway or link shall not exceed 1.2m in height.

Rear and Side yard are defined in the plan as follows:

**Rear yard** means a yard in any site other than a corner site, between the rear boundary of the site and a line parallel to that boundary extending across the full width of the site, provided that a rear yard in respect of any rear site means a continuous yard bounded by all the boundaries of the net site area;

**Side yard** means a yard which, except for any portion of the site comprised in a front or rear yard, lies between the full-length of a side boundary and a line parallel thereto, provided that in respect of a corner site, every boundary not being a street frontage shall be deemed to be a side boundary.

The explanation for the rule is included in plan, as follows:

*Avoiding visual dominance of street elevations and reserves by preventing high front fences will contribute to pedestrian and public amenity. Utilising only low (or no) front fences will assist both public experience and public safety by enabling informal visual surveillance from the dwelling house to the street.*

**Postal Address**  
Waikato District Council  
Private Bag 544  
Ngaruawahia

**Huntly Office**  
142 Main Street,  
Huntly

**Ngaruawahia Office**  
15 Galileo Street,  
Ngaruawahia

**Raglan Office**  
7 Bow Street,  
Raglan

**Te Kauwhata Office**  
1 Main Road,  
Te Kauwhata

**Tuakau Office**  
2 Dominion Road,  
Tuakau

### 3. What is close-boarded?

Council frequently gets asked what is and what is not considered ‘close-boarded’. This is not identified in the plan. The explanation for the rule included in the plan gives some direction, in that it should be “enabling informal visual surveillance from the dwelling house”. A useful rule of thumb is that a fence with spaces less than 20mm between 150mm palings is considered close-boarded.

### 4. Notes for interpretation

The two parts of rule 27A.5.5, when read together, mean the following:

- Fence **on the boundary** of a road or reserve “shall not be close-boarded or of similar solid construction” and must be less than 1.2m high
- Fence **not on** the boundary but still located within the side or rear yard adjoining a reserve or pedestrian access way or link, can be close boarded but must be less than 1.2m high

This interpretation is aided by Figure 1 showing some of the common situations. The logic in this practice note and diagram should be extended to other less-common situations where practical. There may be situations that are not covered by this practice note which will require case-by-case interpretation.

This Practice Note should be read in conjunction with the definitions of yards and the Practice Note: Yard Setbacks Waikato District Plan: Franklin Section, insofar as

- The yard definitions are relevant
- The minimum yards sizes (building setbacks) are not relevant

The terms pedestrian access way and link come from part 54 of the plan - Design Element 4: Pedestrian Links and Routes.

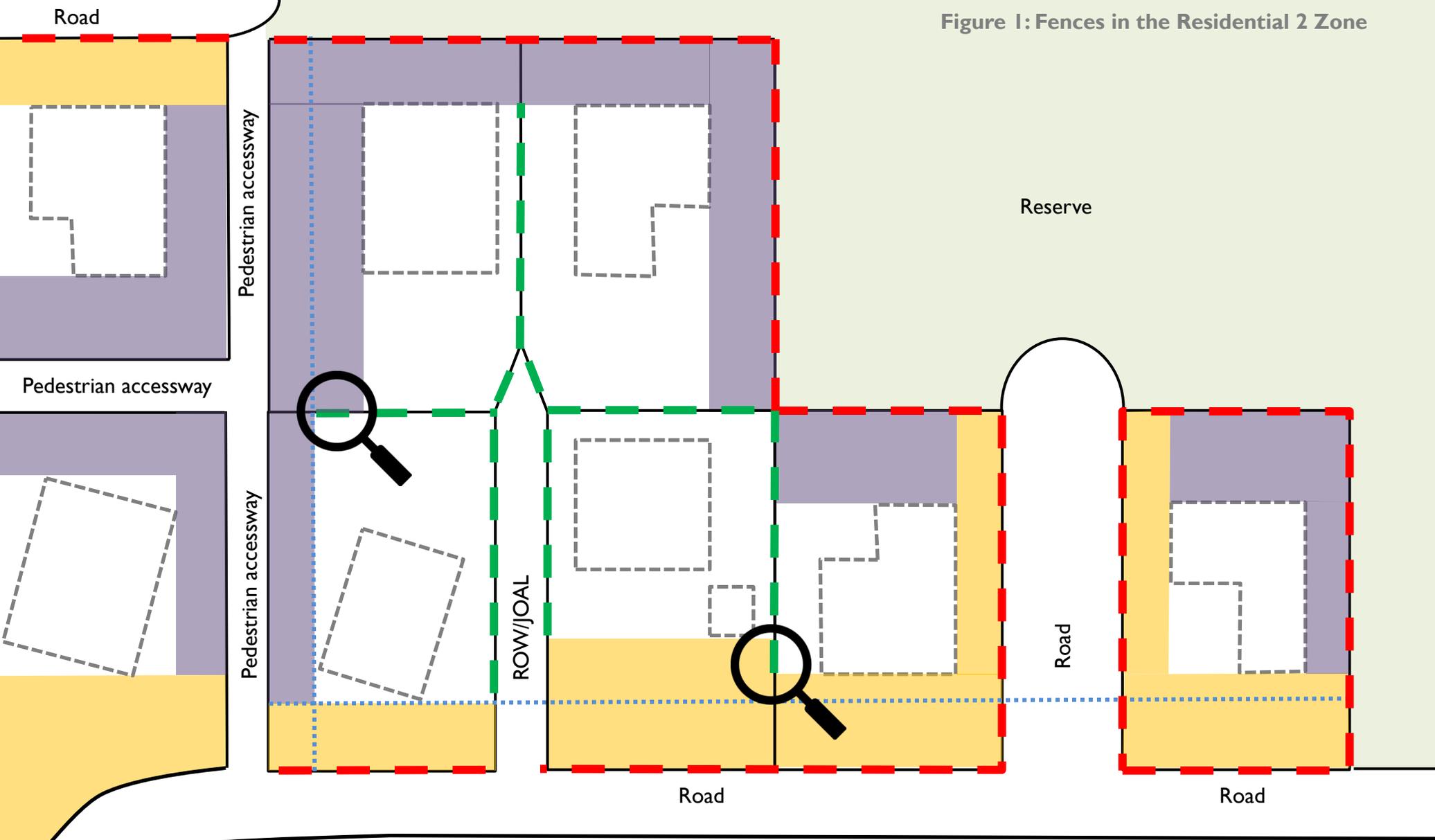
In a situation where two adjoining properties have buildings set back different distances from, for example, the road boundary, the boundary fence between the two adjoining properties shall comply with the more stringent of the applicable rules up to the closest building to the boundary line. Examples of this are highlighted on Figure 1 by the magnifying glass symbols.

If fences are shown on an application for resource consent or building consent, Council staff should undertake an assessment of compliance against these Development Standards and advise customers of the specific requirements. Because the fences themselves don’t generally form a substantive part of a resource consent or building consent application, if non-compliance with these fencing rules is not identified during council processing, the onus remains with the property owner to comply with these rules.

In addition to the District Plan rules, there may be specific consent notice conditions attached to a certificate of title or in some cases private land covenants relating to fencing. Compliance needs to be achieved with all of these and with the Fencing Act 1978.

Council’s RMA Monitoring team can follow up if fences are not constructed in accordance with District Plan rules or consent notice conditions. The enforcement of private covenants or the Fencing Act is a civil matter.

Figure 1: Fences in the Residential 2 Zone



Key:

	= Rule 1c applies to fences in these areas		= Rule 2d applies to fences in these yards
	= Rules 1c and 2d do not apply to these boundaries		= Rule 1c applies to fences on these boundaries
	= Building setbacks (for illustrative purposes)		